

Existing Contracts, Leases, and Orders

Contract Type	Represent- ation Provision FAR 52.204-24 (must be incorporated in full text)	SAM Represent- ation Provision FAR 52.204-26 (may already be incorporated by reference via 52.204-7, 52.204-19, and/or 52.212-3(v))	Represent- ation Clause GSAR 552.204-70 (must be incorporated in full text)	Reporting Clause FAR 52.204-25 (may already be incorporated by reference via 52.212-5(a)(3) and/or 52.213-4(a)(1)(iii))
Existing contract (indefinite delivery vehicle (IDV), non-IDV, or lease)	N/A	N/A ³	Yes	Yes
Existing order ¹ under a medium or low risk IDV ² that does not include information technology or communication technology	N/A	N/A ³	No	No
Existing order ¹ under high risk IDV ² or that potentially includes information technology or communication technology	N/A	N/A ³	Yes	Yes

Solicitations⁴

<i>Solicitation Type</i>	<i>Represent- -ation Provision FAR 52.204-24</i> (must be incorporated in full text)	<i>SAM Represent- -ation Provision FAR 52.204-26</i> (may already be incorporated by reference via 52.204-7, 52.204-19, and/or 52.212-3(v))	<i>Represent- -ation Clause GSAR 552.204-70</i> (must be incorporated in full text)	<i>Reporting Clause FAR 52.204-25</i> (may already be incorporated by reference via 52.212-5(a)(3) and/or 52.213-4(a)(1)(iii))
New contract (indefinite delivery vehicle (IDV), non-IDV, or lease)	Yes	Yes	Yes ⁶	Yes
New BPA issued under a Schedule contract if clauses incorporated at the Schedule contract level	No ⁵	No	No	No
New open-market BPA (not issued under a Schedule contract)	No ⁵	No	Yes ⁶	Yes
New order ¹ under a medium or low risk IDV ² that does not include information technology or communication technology	No ⁵	No	No	No
New order ¹ under a high risk IDV ² or that potentially includes information technology or communication technology	Yes	No	Yes ⁶	Yes

Endnotes

- 1 The process outlined for orders under IDVs is the same before and after the parent IDV is modified to include the Section 889 provision(s) and clause(s).
- 2 The following GSA IDVs were specifically named as high risk in the GSA class deviation (all other GSA IDVs are considered medium or low risk):
 - Telecommunications Contracts (Networx, Enterprise Infrastructure Solutions, Connections II, and Local Telecommunications)
 - Federal Supply Schedules 36, 58 I, 70, and 84 (or the equivalent SINs under the consolidated Multiple Award Schedule (MAS))
 - IT Governmentwide Acquisition Contracts (GWACs) (Alliant 2, Alliant 2 SB, VETS 2, and 8(a) STARS III)
 - Commercial Solutions Opening Procurements (CSOs)
- 3 When modifying an existing contract (indefinite delivery vehicle (IDV), non-IDV, or lease) or order to extend its period of performance, the contractor will have to certify that its SAM representations and certifications (including its response to FAR 52.204-26) are accurate and complete.
- 4 If there is no solicitation or notice of intent to place an order (e.g., orders under a single-award IDV, tickets under CityPairs), none of the Section 889 provisions or clauses are implicated or used. However, the prohibitions in Section 889 still apply.
- 5 When responding to a solicitation that **does not** include the representation provision (FAR 52.204-24), an offeror does not need to provide a representation, even if the offeror has responded to the SAM representation provision(s) (FAR 52.204-26 and/or 52.212-3(v)) that it "**does**" provide covered telecommunications equipment or services to the Government.
- 6 In these situations, because the offeror will be completing the representation at FAR 52.204-24 as part of its offer (or via FAR 52.204-26 and/or FAR 52.212-3(v) in SAM), it is not necessary for the offeror to also complete the representation at GSAR 552.204-70 prior to award (an offeror's response to FAR 52.204-24 (or non-response if the offeror responded the SAM representation provision(s) (FAR 52.204-26 and/or 52.212-3(v)) that it "**does not**" provide covered telecommunications equipment or services to the Government) will also be considered the initial response to GSAR 552.204-70). However, GSAR 552.204-70 must still be included in the solicitation and contract.